

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

IN RE:)
)
SWAILS, MARILYN DEASE) Case #: 6:11-bk-12559-ABB
) Chapter 7
)

Debtor)

TRUSTEE'S NOTICE OF INTENT TO SELL

TO: Creditors, Debtor and Parties in Interest:

Richard B. Webber II, the Trustee duly appointed and acting for the above-captioned estate, pursuant to 11 U.S.C. §363, reports that he intends to sell the following described property on or after the 21st day from the date of mailing this Report and Notice under the terms and conditions stated:

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within twenty one (21) days from the date of service of this paper and docketing of same. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at United States Bankruptcy Court, 135 W. Central Blvd., Suite 950, Orlando, FL 32801, and serve a copy on, Richard B. Webber II, Trustee, PO Box 3000, Orlando FL 32802-3000, and a copy to United States Trustee Office, 135 W. Central Blvd, Suite 620, Orlando, FL 32801.

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

1. Description of Property: Estate assets as shown below, hereinafter referred to as the "Property"

Description of Property	Fair Market Value	Value after liens, discounts and exemptions
Clothing	\$25.00	\$25.00
Jewelry	\$5.00	\$5.00
2003 Mazda Pick Up	\$3,585.00	\$1,955.00
Totals	\$3,615.00	\$1,985.00

2. Method of Sale: The Property will be sold to a private party on or after November 2, 2011. The name and address of the private party, hereinafter referred to as the "Private Party" is:

MARILYN DEASE SWAILS, **DEBTOR**
3727 DAWN AVE
KISSIMMEE, FL 34744

3. Property Information and Insurance: The debtor(s) valued the Property on Schedule B of the bankruptcy petition dated August 18, 2011 at \$3,615.00. The property has been not been appraised as an appraisal would be burdensome to the estate. The sales price was determined by the description and condition as reported by the Debtor and allowing for the Debtor's exemptions, costs of pickup, storage, and sale. The debtor(s) maintain insurance on the Property and has agreed to name the Trustee as loss payee.
4. Terms of the Sale: The selling price to the Private Party is \$1,985.00 to be paid in 10 consecutive monthly installment payments in the amount of \$198.50 per month beginning October 15, 2011. The debtor(s) also agree to turn over the exempt portion of her 2011 income tax refund and apply it to the buyback. The Trustee acknowledges receipt of the initial payment. The Trustee makes no representations or warranties regarding the Property. Accordingly, the Property is being sold "AS-IS", "WHERE-IS", "WITH ALL FAULTS and DEFECTS THEREIN", and subject to all liens and encumbrances. The debtor is entitled to claim a \$1,000.00 automobile exemption in the Property.
5. The Property is being sold subject to the following liens and encumbrances:

Lien holder name & address	Amount of Lien
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NO KNOWN LIENS OR ENCUMBRANCES

The Trustee has noted all liens of which he has knowledge. However, the Trustee has not performed a judgment or lien search. The property is being sold subject to any and all liens of record, as well as any and all easements, restrictions and reservations of record, and back taxes, if any, and current and subsequent taxes. Buyer is responsible for checking marketability of title prior to date of sale.

NOTICE: For items subject to Florida Sales tax, if an exemption or waiver is sought, a Resale or Consumer Exemption Certificate will be required upon the sale. The certificate must bear the name and address of the purchaser, the effective date and the number of the dealer's certificate of registration, and the dealer's signature. If a resale certificate is not presented when required, sales tax will be collected. The tax shall be added to the sales price and the amount of the tax shall be separately stated as Florida tax on any charge tickets, sales slips, invoices or other tangible evidence of sale, and shall be a debt from the purchaser or consumer to the Trustee. If a titled vehicle is involved, buyer is responsible for paying sales tax to the Tag Agency unless the vehicle is being sold to the debtor.

The Trustee reserves the right, without a penalty, to withdraw this offer of sale at any time. This sale will not become final until after the expiration of the 21-day objection period set forth below and / or a favorable disposition of any objections to the sale. The Trustee, until the expiration of the time with which parties may object to the proposed sale, will entertain any higher bids for the purchase of the Property being sold. Such bids must be accompanied by a deposit of twenty percent (20%) of the proposed higher purchase price. The proposed purchase price must be higher than the Fair Market Value. Any higher bid must be received by the Trustee at the address listed below no later than twenty one (21) days from the date of this notice. Inspection of the Property may be arranged by contacting the Trustee. Should a higher bid be received, the Trustee will conduct a telephonic auction between the original purchaser named in this notice and the additional bidder(s) at the earliest reasonable time.

Dated: October 12, 2011

/s/ Richard B. Webber II, Trustee

Richard B. Webber II, Trustee

PO Box 3000

Orlando FL 32802-3000

Office: (407) 425-7010

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been furnished by regular U.S. Mail, postage prepaid, or electronic file transfer to all parties on the mailing matrix, which is attached to the original of this document and filed with the Court, and the United States Trustee, 135 W Central Blvd, Suite 620, Orlando, Florida 32801 this October 12, 2011.

/s/ Richard B. Webber II, Trustee
Richard B. Webber II, Trustee

Label Matrix for local noticing 113A-6 Case 6:11-bk-12559-ABB Middle District of Florida Orlando Wed Oct 12 11:14:50 EDT 2011	Florida Dept of Labor and Security Hartman Building, Suite 307 2012 Capital Circle, Southeast Tallahassee, FL 32399-6583	Florida Dept of Revenue P.O. Box 6668 Tallahassee, FL 32314-6668
IRS Centralized Insolvency Operations P.O. Box 7346 Philadelphia, PA 19101-7346	Marilyn Dease Swails 3727 Dawn Ave Kissimmee, FL 34744-9438	Big 10 Tires P.O. Box 81410 Cleveland, OH 44181-0410
Chase Card Services P. O. Box 15153 Wilmington, DE 19886-5153	Florida Department of Revenue Bankruptcy Unit Post Office Box 6668 Tallahassee FL 32314-6668	Home Depot Credit Services Attn: Bankruptcy Dept. Des Moines, IA 50364-0001
Internal Revenue Service Post Office Box 7346 Philadelphia PA 19101-7346	JC Penny P.O. Box 960090 Orlando, FL 32896-0090	Osceola County Tax Collector Attn: Patsy Heffner Post Office Box 422105 Kissimmee FL 34742-2105
Sears Credit Cards P.O. Box 183082 Columbus, OH 43218-3082	Systems & Service Technologies Inc P.O. Box 801997 Kansas City, MO 64180-1997	Target National Bank P.O. Box 660170 Dallas, TX 75266-0170
United States Trustee - ORL7 + 135 W Central Blvd., Suite 620 Orlando, FL 32801-2440	Richard B Webber, Trustee + Post Office Box 3000 Orlando, FL 32802-3000	Ryan Hogan + Hogan Law Firm PLC 5401 S Kirkman Road Suite 310 Orlando, FL 32819-7937

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Arthur B. Briskman Orlando	End of Label Matrix	
	Mailable recipients	17
	Bypassed recipients	1
	Total	18